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+ Certified by the Supreme Court
of NJ as a Civil Trial Attorney

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January 23, 2019

Via Electronic Filing

Clerk, United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

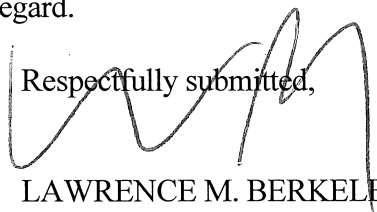
Re: Proctor Drogicki, Ester v. Costco Wholesale Corporation, et al.
Docket No.: MID-L-122-19
Our File No.: COST-074

Dear Sir/Madam:

Enclosed please find Petition for Removal on behalf of defendant, Costco Wholesale Corporation. Please file same. By copy of this letter, we are advising our adversary of this Petition.

Thank you for your courtesy in this regard.

Respectfully submitted,


LAWRENCE M. BERKELEY
A Member of the Firm

LMB:kas

Enclosure.

cc: Clerk, Superior Court of New Jersey, Middlesex County (via electronic filing)
George Hendricks, Esq. (via regular mail & fax: 732-828-9088)

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date

Costco Wholesale Corporation first received notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Middlesex County, asserts damages of a non-specified amount. Plaintiff, Ester Proctor-Drogicki was allegedly caused to become injured. As such, defendant, Costco Wholesale Corporation, believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Costco Wholesale Corporation is informed and believes that Plaintiff, Ester Proctor-Drogicki, is an individual citizen of the State of New Jersey. Defendant/petitioner, Costco Wholesale Corporation is a Washington corporation and its principal place of business is 999 Lake Drive, Issaquah, Washington 98027.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Petitioner, Costco Wholesale Corporation, defendants in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Middlesex County, Docket No. MID-L-122-19, prays that this action be removed therefrom to this Court.

Defendant, Costco Wholesale Corporation

BY: 

LAWRENCE M. BERKELEY
(LMB-7706)

Dated: January 23, 2019

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Middlesex, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY: 

LAWRENCE M. BERKELEY, ESQ.
(LMB-7706)

Dated: January 23, 2019

EXHIBIT A

Received:
From: Hendricks & Hendricks

Jan 4 2019 11:11am
01/04/2019 10:06 #282 P.002/007

GEORGE F. HENDRICKS, ESQ.
ATTORNEY ID#246271968
HENDRICKS & HENDRICKS
73 Paterson Street
New Brunswick, New Jersey 08901
(732) 828-7800
Attorney for Plaintiff

ESTER PROCTOR DROGICKI,

Plaintiff,

vs.

**COSTCO WHOLESALE
CORPORATION, trading as COSTCO,
and/or ABC CORP 1-5 or JOHN DOES
1-5, said names being unknown and
fictitious.**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

CIVIL ACTION

DOCKET NO.: MID-L- 122-19

SUMMONS

The State of New Jersey, to the Above-Named Defendant(s):

COSTCO WHOLESALE CORPORATION, Trading as COSTCO

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights. You must serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) on the court to hear your defense.

*Pick
Jerabeck
signed on 1/9/19
@ 2:15*

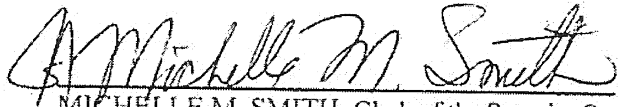
Received:
From: Hendricks & Hendricks

Jan 4 2019 11:12am
01/04/2019 10:06 #282 P.003/007

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

DATED: January 3, 2019


MICHELLE M. SMITH, Clerk of the Superior Court

Name of defendant to be served: ***COSTCO WHOLESALE CORPORATION, trading as
COSTCO***

Address for Service: 999 Lake Drive, Issaquah, WA, 98027

Received:
From: Hendricks & Hendricks

Jan 4 2019 11:12am
01/04/2019 10:06 #282 P.004/007

MID-L-000122-19 01/04/2019 9:45:29 AM Pg 1 of 3 Trans ID: LCV201917780

GEORGE F. HENDRICKS, ESQ.
ATTORNEY ID#246271968
HENDRICKS & HENDRICKS
73 Paterson Street
New Brunswick, New Jersey 08901
(732) 828-7800
Attorney for Plaintiff

ESTER PROCTOR DROGICKI,

Plaintiff,

vs.

**COSTCO WHOLESALE
CORPORATION, trading as COSTCO,
and/or ABC CORP 1-5 or JOHN DOES
1-5, said names being unknown and
fictitious.**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

CIVIL ACTION

DOCKET NO.: MID-L- *122-19*

**COMPLAINT
AND
JURY DEMAND**

Plaintiff, ESTER PROCTOR DROGICKI, residing at 43 Farnham Square, in the Borough of Sayreville (Parlin mailing), County of Middlesex, and State of New Jersey, complaining of the defendant, says:

FIRST COUNT

1. Defendant, **COSTCO WHOLESALE CORPORATION**, trading as Costco, is authorized to do business in the State of New Jersey, with a store location in the Township of Wayne, County of Passaic, and State of New Jersey, their address being 143 Route 27, Wayne, New Jersey.

2. On or about August 12, 2018, plaintiff purchased a rotisserie chicken and consumed same, wherein the plaintiff suffered serious injury due to the defendant's negligence in the preparation, inspection, storing of prepared food, and/or served food and was otherwise

Received:
From: Hendricks & Hendricks

Jan 4 2019 11:12am
01/04/2019 10:07 #282 P.005/007

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negligent, which caused the plaintiff to become severely ill, suffer great pain, incur medical expenses, and suffer temporary and permanent emotional distress.

3. As a result of the aforesaid negligence, plaintiff, Ester Proctor Drogicki, was caused to go to great expense to cure her injuries, she suffered great pain and suffering, she suffered temporary and permanent emotional distress, and she was prevented from attending to her necessary affairs and business.

WHEREFORE, plaintiff, **ESTER PROCTOR DROGICKI**, demands judgment against the defendant on this count for damages and costs of suit.

SECOND COUNT

1. Plaintiff, **ESTER PROCTOR DROGICKI**, repeats and re-alleges each and every allegation contained in the First Count of the within Complaint as if fully set forth herein.

2. The Defendant, **ABC CORP 1-5** and/or **JOHN DOES 1-5** (said names being fictitious and unknown), is held responsible for its negligence in the preparation, inspection and storing of prepared food and/or served food and was otherwise negligent, which caused the plaintiff to suffer great pain and serious injuries, incur medical expenses, and suffer temporary and permanent emotional distress.

WHEREFORE, the Plaintiff demands judgment against the Defendant, **ABC CORP 1-5** and/or **JOHN DOES 1-5** (said names being fictitious and unknown), for damages, interest, and costs of suit.

CERTIFICATION, PURSUANT TO RULE 4:5-1

I hereby certify that to the best of my knowledge, information and belief, our investigation and investigation on behalf of our client has disclosed no other action pending

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Jan 4 2019 11:12am
01/04/2019 10:07 #282 P.006/007

MID-L-000122-19 01/04/2019 9:45:29 AM Pg 3 of 3 Trans ID: LCV201917780

concerning the subject matter of this Complaint and any Court or Arbitration proceeding nor has it disclosed any other persons who should be added as parties to this matter. In addition, as of this date, there are no actions contemplated which relate to this matter. If additional and continuing investigation reveals contrary facts, notice will immediately be given.

JURY DEMAND

The plaintiff hereby demands a trial by jury on all of the within issues.

HENDRICKS & HENDRICKS, ESQS.
Attorneys for Plaintiff

BY: 

GEORGE F. HENDRICKS

Dated: January 2, 2019

Received:
From: Hendricks & Hendricks

Jan 4 2019 11:12am
01/04/2019 10:07 #282 P.007/007

MID-L-000122-19 01/04/2019 9:45:29 AM Pg 1 of 1 Trans ID: LCV201917780

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-000122-19

Case Caption: PROCTOR-DROGICKI ESTER VS COSTCO
WHOLESALE CORP

Case Initiation Date: 01/04/2019

Attorney Name: GEORGE F HENDRICKS

Firm Name: HENDRICKS & HENDRICKS

Address: 73 PATERSON STREET

NEW BRUNSWICK NJ 08901

Phone:

Name of Party: PLAINTIFF : PROCTOR-DROGICKI, ESTER

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

01/04/2019
Dated

/s/ GEORGE F HENDRICKS
Signed